

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

KIMBERLY MICHELLE VAUGHN

16-05471-RM3-13

JUDGE RANDAL S MASHBURN

Date: 10/04/18

THE DEADLINE FOR FILING A TIMELY RESPONSE IS 10/25/2018.

IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 11/14/2018 AT 8:30 AM CUSTOMS HOUSE, COURTROOM 1, 701 BROADWAY, 2ND FL, NASHVILLE, TN , 37203.

**NOTICE OF MOTION TO DISMISS FOR CAUSE, FOR FAILURE
OF DEBTOR TO COOPERATE WITH THE TRUSTEE**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Motion To Dismiss For Cause, For Failure Of The Debtor To Cooperate with the Trustee.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE** . You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

KIMBERLY MICHELLE VAUGHN

CASE NO. 16-05471-RM3-13

JUDGE RANDAL S MASHBURN

10/04/2018

**TRUSTEE'S MOTION TO DISMISS FOR CAUSE, FOR FAILURE
OF DEBTOR TO COOPERATE WITH THE TRUSTEE**

HENRY E HILDEBRAND III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, respectfully moves this Court to dismiss the above-styled case, for cause, for failure of the debtor to cooperate with the Trustee by providing to the Trustee copies of the debtor's post-petition tax returns or tax transcripts.

A material provision of the debtor's confirmed plan requires the debtor to remit periodic payments to the Trustee and to forward to the Trustee any tax refunds received by the debtor subsequent to the confirmation of the plan.

In an effort to determine whether the debtor is in compliance with the terms of the plan, the Trustee has twice requested of the debtor copies of the debtor's 2016 AND 2017 tax returns.

As of this date, the debtor has not provided such information to the Trustee.

Failure of the debtor to provide the information requested constitutes cause justifying dismissal of the debtor's case.

Respectfully submitted,

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service , postage prepaid on KIMBERLY MICHELLE VAUGHN, 1270 Goodmorning Dr, Nashville, TN 37207; and
and by email by Electronic Case Noticing to Ms Beth R Derrick , Assistant US Trustee, and LONG BURNETT AND JOHNSON PLLC, Debtor's counsel
on this 4th day of October, 2018.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
Chapter 13 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
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IN RE:

KIMBERLY MICHELLE VAUGHN

CASE NO. 16-05471-RM3-13

JUDGE RANDAL S MASHBURN

10/04/2018

ORDER DISMISSING CASE

It appearing to the Court, based upon the certification of the Trustee as indicated by his electronic signature below, that the Trustee has filed a Motion to Dismiss the above-styled case, for cause and that, pursuant to Rule 9013-1 of the Local Rules of the Bankruptcy Court for the Middle District of Tennessee, has forwarded a copy of that application along with notice and an opportunity to be heard to the debtor, debtor's counsel, and the Assistant U. S. Trustee and that no affected party in interest has objected to or requested a hearing on the Trustee's application, it is

ORDERED, the above-styled case is dismissed, for cause, for failure of the debtor to cooperate with the Trustee by providing the Trustee a copy of the debtor's 2016 AND 2017 tax returns and/or tax transcripts.

APPROVED FOR ENTRY:

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE TOP
OF THE FIRST PAGE.